

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

Rio Grande Foundation,

Plaintiff,

v.

Maggie Toulouse Oliver, *in her
official capacity as Secretary of State
of New Mexico*,

Defendant.

Case No: 1:19-cv-1174 JCH/JFR

**UNOPPOSED MOTION FOR AN EXTENSION OF TIME TO FILE
PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT**

Plaintiff seeks a 21-day extension to file its Motion for Summary Judgment. In support, Plaintiffs state the following:

1. On March 17, 2023, this Court set a briefing schedule for the parties’ cross motions for summary judgment.
2. Plaintiff’s motion for summary judgment was to be filed on or before April 14, 2023.
3. Plaintiff’s primary counsel, Daniel Suhr is leaving his employment at Liberty Justice Center, and therefore will be withdrawing as Plaintiff’s counsel. Plaintiff’s remaining counsel will continue to represent Plaintiff.
4. To accommodate this transition, Plaintiff seeks a 21-day extension for its motion for summary judgment.
5. To accommodate this extension, Plaintiff also asks that all deadlines for the parties’ cross motions for summary judgment be extended 21 days. Thus, the briefing schedule for cross-motions for summary judgment would be amended as follows:

Plaintiff’s motion for summary judgment would be due May 5, 2023;

Defendant shall file her combined motion for summary judgment and response to Plaintiff's motion for summary judgment by June 5, 2023;

Plaintiff shall file its combined response to Defendant's motion and reply in support of its motion by June 30, 2023;

Defendant shall file her reply in support of her motion for summary judgment by July 21, 2023.

6. Counsel for Defendant does not oppose this motion.

7. A proposed draft order accompanies this motion, which Defendant's counsel has approved.

For these reasons, Plaintiffs request that the Court grant it a 21-day extension to file its motion for summary judgment and extend the deadlines for the remaining briefs.

April 12, 2023

/s/ Jeffrey M. Schwab

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Attorneys for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on April 12, 2023, I electronically filed the foregoing Unopposed Motion to Withdraw Plaintiff Illinois Opportunity Project by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Jeffrey M. Schwab